

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KELLIE COLE,
Plaintiff,

v.

NANCY A. BERRYHILL,
Defendant

: No. 3:18cv1132
:
: (Judge Munley)
:
: (Chief Magistrate Judge Schwab)
:
:

ORDER

AND NOW, to wit, this 28th day of June 2019, we have before us for disposition Chief Magistrate Judge Schwab's report and recommendation, which proposes that plaintiff's request for a new administrative determination in her social security appeal be granted, and the Commissioner of Social Security's final decision denying her application for benefits be vacated and remanded.

No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(B) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither clear error on the face of the record nor manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

1.) The magistrate judge's report and recommendation (Doc. 14) is **ADOPTED**;

2.) Plaintiff's appeal is **GRANTED** and the Commissioner of Social Security's decision denying plaintiff disability benefits and supplemental security income is **VACATED**;

3.) The Clerk of Court shall enter judgment in favor of Plaintiff Kellie Cole and against the Commissioner of Social Security; and

4.) The Clerk of Court is further directed to **REMAND** this case to the Commissioner of Social Security to conduct a new administrative hearing pursuant to sentence four of 42 U.S.C. § 405(g).

BY THE COURT:



JUDGE JAMES M. MUNLEY
United States District Judge